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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/567,336	03/29/2006	Kiyotaka Matsukawa	20060119A	5001		
WENDEROTH	7590 01/11/2007 I, LIND & PONACK, L.L	.P.	EXAMINER			
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WASHINGTO	N, DC 20006-1021		ART UNIT	PAPER NUMBER		
			1773			
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

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1) Responsive to communication(s) filed on	,	Application No.	Applicant(s)					
Examiner H. T. Le		10/567,336	MATSUKAWA ET AL.					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Examplian of time may be availated under the postorious of 37 CFR 118(s), in or event, however, may retry be timely flied If NO period for reply is profilled above, the maintrum statutions period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failurs to reply which his est or advanded period for reply is patishic, assert a beplication to be come ARMONDROE (30 LS. 5 13). Any reply received by the Office lated than these membre after the mailing date of this communication, even if stretch flied, may reduce any search practical time alguments. See 37 CFR 178(a). Status 1)	Office Action Summary		Art Unit					
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1) Responsive to communication(s) filed on	WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	ATE OF THIS COMMUNICATION (Se(a)). In no event, however, may a reply be tire (ii) iii) apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. mely filed I the mailing date of this communica ED (35 U.S.C. § 133).					
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 13-30 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) 13-30 is/are rejected. 7 Claim(s) is/are objected to. 8 Claim(s) are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of:	Status							
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Application/Control Number: 10/567,336

Art Unit: 1773

DETAILED ACTION

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 13-21, 24, 25 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is confusing because it is unclear how the material subsequent to the term "wherein" relates to the preamble of the claim which describes a soft magnetic composite powder. It is suggested that claim language similar to that of claim 21 is used.

Claim 19 is unclear because it seems to refer to a particulate resin material by the phrase "particle diameter of the resin material". However, claim 13, upon which claim 19 depends, does not describe or require that the resin material be a particulate material.

Claims 14-21 are deemed indefinite in view of their dependency upon claim 13.

Claim 24, "low" in the phrase "low melting point glass" renders the claim indefinite in that "low" is a relative term, yet there's no basis to ascertain what constitutes "low melting point glass".

Claim 25 is unclear because it seems to refer to a particulate resin material by the phrase "particle diameter of the resin material". However, claim 22, upon which claim 25 depends, does not describe or require that the resin material be a particulate material.

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Claim 28 suffers the same deficiency of claim 25.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 13-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 and 13-17 of copending Application No. 11/547,357. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims and the referenced claims are essentially directed to the same subject matter: a soft-magnetic composite powder whose surface is covered with an insulating material and a resin material. The referenced claims describe functional resin material comprising functional particles wherein the functional particles are of soft magnetic particles (see referenced claim 4).

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This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13-30 are rejected under 35 U.S.C. 102(b) as being anticipated by the JP'202 patent (JP 11-256,202).*

Claims 13-17: JP'202 teaches a material powder comprising a soft magnetic powder covered with a glass material and a resin material. See paragraph [0006]. The glass material bonds to the magnetic powder by surface fusion and the resin material also bonds to the magnetic powder by surface-fusion. See paragraphs [0016] and [0019]

Claim 18: See paragraph [0014].

Claim 19: See paragraph [0014].

Claim 20: See paragraph [0011] and examples.

Claim 21: See paragraphs [0011], [0014] and examples.

Claims 22-23: See paragraph [0014] and examples.

Claim 24: The glass material is a low melting point glass. See paragraph [0011].

Claim 25: See par. [0014].

^{*} copy of English abstract provided by Applicant; translation provided herein by the examiner.

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Claim 26: See par. [0014].

Claims 27-30: see the rejection to claims 22-30 above.

7. Other references are cited as art of interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 571-272-1511. The examiner can normally be reached on 10:00 a.m. to 6:30 p.m., Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H. T. Le

Primary Examiner Art Unit 1773